

110TH CONGRESS
2D SESSION

H. CON. RES. 317

Condemning the Burmese regime's undemocratic constitution and scheduled referendum.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. HOLT (for himself, Mr. BERMAN, and Ms. ROS-LEHTINEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Condemning the Burmese regime's undemocratic constitution and scheduled referendum.

Whereas in 1974, then dictator General Ne Win and his regime had redrawn the 1947 State Constitution and held a referendum for a military-backed constitution, endorsing a civilian front for military rule, known as the Burmese Socialist Program Party;

Whereas in 1988, the people of Burma came to the streets in a massive popular democracy uprising to call for democracy, human rights, and an end to military rule and a single party system;

Whereas the current military regime violently crushed the mass democracy uprising in 1988, killing more than

3,000 peaceful protesters and took over power from the previous regime;

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of Parliament seats for the candidates of the National League for Democracy (NLD) party, led by detained leader Daw Aung San Suu Kyi and its allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive and undemocratic;

Whereas the NLD walked out of the convention in 1995 because no one was allowed to table alternative proposals or voice any disagreement with the military regime;

Whereas in 2005, the leaders of the Shan Nationalities League of Democracy (SNLD) were all arrested on false charges and sentenced to more than 90 years in prison each;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets in nationwide peaceful protests demanding the military regime participate in a meaningful tri-partite dialogue with Aung San Suu Kyi, the elected political

parties from the 1990 elections and the ethnic nationalities representatives for national reconciliation and a transition to democracy;

Whereas according to the United Nations Special Rapporteur on Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, leading human rights groups and foreign diplomats based in Burma estimate the death toll from the August and September 2007 peaceful protests is much higher than reported by the regime;

Whereas the military regime brutally crushed the peaceful protests killing at least 31 people, nearly 100 are still missing, and arrested 700 additional political prisoners whereby Burma's political prisoner population numbers 1,800;

Whereas the United Nations Security Council Presidential Statement, issued by unanimous consent of all members of the Council on October 11, 2007, stated that "the Security Council strongly deplores the use of violence against peaceful demonstrators in Myanmar, emphasizes the importance of the early release of all political prisoners and remaining detainees";

Whereas the United Nations Security Council Presidential Statement also stressed "the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups, in order to achieve an inclusive national reconciliation with the direct support of the United Nations";

Whereas the United Nations and governments around the world also repeatedly called for the SPDC to hold a political dialogue with Daw Aung San Suu Kyi, her party, the

NLD, and ethnic party representatives to achieve national reconciliation and democratization as well as to save the country from decades-long mismanagement by the regime which has resulted in a downward spiral of Burma's economic, educational, social, public health and infrastructure sectors;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners, end attacks against civilians, and engage in a meaningful dialogue with Aung San Suu Kyi, her party, the NLD, and ethnic nationality representatives;

Whereas at the same time, the SPDC assigned a commission for drafting the state constitution on October 18, 2007, with 54 hand-picked persons, in an attempt to circumvent legitimate democratic processes and legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule, reserving 25 percent of parliamentary seats for military appointees, reserves power to the head of the military to intervene in national politics, and reserves key government ministries to serving military officers;

Whereas although the SPDC has appointed Labor Minister U Aung Kyi as liaison minister to engage with Daw Aung San Suu Kyi for possible talks with Senior General Than Shwe, leader of the SPDC, since October 2007, there has been no development and no hope of a meaningful and time-bound dialogue;

Whereas recently, Daw Aung San Suu Kyi expressed through her party leaders that she is unhappy with the SPDC's

unwillingness to establish political dialogue and she even urged the people of Burma to be prepared for the worst;

Whereas on February 9, 2008, the military regime announced that it will hold a constitutional referendum in May 2008 and a general election in 2010;

Whereas on February 12, 2008, the SPDC extended the house arrest of U Tin Oo, Deputy Chairman of the NLD for another year; and

Whereas the military regime is once again trying to abolish the 1990 elections results and the election winning party status held by the NLD, and further legitimize military rule through an undemocratic process: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) denounces the one-sided, undemocratic, and
4 illegitimate act by the State Peace and Development
5 Council (SPDC) to legalize military rule with the
6 constitution;

7 (2) firmly insists that Burma's military regime
8 begin a meaningful tri-partite dialogue with Daw
9 Aung San Suu Kyi, the 1990 election winning parties and ethnic nationality representatives toward
10 national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and
11 internationally recognized human rights for all Burmese citizens;
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1 (3) demands the immediate and unconditional
2 release of Daw Aung San Suu Kyi, detained Bud-
3 dhist monks, and all other political prisoners and
4 prisoners of conscience;

5 (4) denounces the SPDC for its failure to com-
6 ply with the United Nation's recommendations and
7 engage in a meaningful time-bound tri-partite dia-
8 logue with Aung San Suu Kyi, the 1990 election
9 winning parties and ethnic nationality representa-
10 tives;

11 (5) condemns the military regime's constitution
12 and scheduled referendum;

13 (6) calls for the SPDC to comply fully and im-
14 mediately with the recommendations made by United
15 Nations Special Envoy Ibrahim Gambari and the
16 United Nations Security Council Presidential State-
17 ment issued on October 11, 2007;

18 (7) urges the President to call for the United
19 Nations Security Council to not accept or recognize
20 the SPDC's constitution which will be the outcome
21 of the referendum;

22 (8) urges the President to call for the United
23 Nations Security Council to pass a binding resolu-
24 tion, which will instruct the regime to fully comply
25 with the recommendations made by United Nations

1 Special Envoy Ibrahim Gambari and the United Na-
2 tions Security Council Presidential Statement, and
3 strengthen the mandate of Secretary-General Ban
4 Ki-moon to engage in a meaningful and time-bound
5 dialogue with Daw Aung San Suu Kyi, the 1990
6 election winning parties and ethnic nationality rep-
7 resentatives towards an inclusive democratic national
8 reconciliation;

9 (9) urges the President to push for a com-
10 prehensive arms embargo against the Burmese mili-
11 tary regime at the United Nations Security Council
12 so that weapons produced by foreign countries, in-
13 cluding Ukraine, China, and Russia, who currently
14 sell weapons to Burma's military regime, can no
15 longer contribute the atrocities committed by Bur-
16 ma's military regime against civilians; and

17 (10) urges the Association of Southeast Asian
18 Nations to involve itself more deeply in reaching out
19 to the Burmese democracy movement and work with
20 the United Nations Security Council and the Sec-
21 retary-General to end junta political intransigence
22 and promote meaningful political dialogue.

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